

# THE FEDERAL REPORTER

WITH KEY-NUMBER ANNOTATIONS

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CASES ARGUED AND DETERMINED IN THE

## CIRCUIT COURTS OF APPEALS AND CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES

WITH TABLE OF CASES IN WHICH REHEARINGS HAVE BEEN  
GRANTED OR DENIED

AND  
TABLE OF STATUTES CONSTRUED

DECEMBER, 1910—JANUARY, 1911

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general power in a corporation to issue stock contrary to express statutory provisions of the state giving it life. It assumes its life and maintains its existence under and in obedience to such laws. I cannot assume any "general" or "special" power other than so guaranteed and vested in it by such laws.

The demurrer to the bill will be overruled.

ANDERSON v. MYERS et al. HOWARD v. SAME. BROWN v. SAME.

(Circuit Court, D. Maryland. October 23, 1910.)

### 1. ELECTIONS (§ 12\*)—CITIZENS—RIGHT TO VOTE—PERSONS OF COLOR.

Acts Md. 1908, c. 525, prescribing the qualifications of voters at municipal elections in the city of Annapolis, declares that the register shall register all male citizens of 21 years or over having resided in the city for one year, not convicted of a crime and assessed on the city tax books for at least \$500, also all duly naturalized citizens of 21 years of age, all citizens who, prior to January 1, 1868, were entitled to vote in Maryland or any other state at a state election, and all lawful male descendants of any person who, prior to January 1, 1868, was entitled to vote in Maryland or in any other state of the United States at a state election, provided that no person not coming within one of the enumerated classes should be registered as a legal voter in the city or be qualified to vote at any municipal election held therein. Held that, though such act did not provide a race or color disqualification in terms, it nevertheless effectually disfranchised and discriminated against negroes, and was therefore unconstitutional as violating Const. U. S. Amend. 15.

[Ed. Note.—For other cases, see Elections, Cent. Dig. § 8; Dec. Dig. § 12.\*]

### 2. ELECTIONS (§ 104\*)—NEGROES—DISFRANCHISEMENT—LIABILITY OF ELECTION OFFICERS.

Where the registers of election of the city of Annapolis refused to register plaintiffs, who were negroes, and who were otherwise qualified voters, because they did not fulfill the qualifications of voters prescribed by Acts Md. 1908, c. 525, which act was unconstitutional in so far as it effected negro disfranchisement, plaintiffs were entitled to recover damages against defendants under Act Cong. April 20, 1871, c. 22, 17 Stat. 13 (Rev. St. § 1979; U. S. Comp. St. 1901, p. 1262), providing that every person who under color of any statute subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proceedings for redress, nor were complainants required to allege that defendants in refusing to register plaintiffs acted willfully or maliciously.

[Ed. Note.—For other cases, see Elections, Cent. Dig. § 102; Dec. Dig. § 104.\*]

### 3. ELECTIONS (§ 12\*)—CIVIL RIGHTS—RIGHT TO VOTE—NEGROES.

Const. U. S. Amend. 15, denying to the state the right to deprive any person of the right to vote on account of race, color, or previous condition of servitude, is not limited to congressional elections, but applies as well to the right to vote at state or municipal elections given by the state.

[Ed. Note.—For other cases, see Elections, Cent. Dig. § 8; Dec. Dig. § 12.\*]

\*For other cases see same topic & § NUMBER in Dec. & Am. Digs. 1907 to date, & Rep'r Indexes